



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on April 20, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST-2004-17582

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **VILLAGE AVIATION, INC.**

Date Filed: **April 15, 2004**

Relief Requested: **Emergency exemption for six months under 49 U.S.C. 40109 to provide the following service:**

Charter cargo air transportation between Pago Pago, American Samoa, and Ofu and Fitiuta, American Samoa, during the period April 20, through September 30, 2004, using one CASA 212 aircraft.

Applicant rep: **Robert P. Silverberg, (202) 944-3300** DOT Analyst: **Lauralyn Remo, (202) 366-5347**

Responsive pleadings: **No objections. A letter in support of the application was filed by Togiola T.A. Tulafono, Governor of American Samoa.**

DISPOSITION

Action: **Approved**

Action date: **April 20, 2004**

Effective dates of authority granted: **April 20, 2004, through September 30, 2004**

Basis for approval: **We are relieving Village Aviation of a provision of its certificate of public convenience and necessity (see Order 95-5-1) that limits it to operations within the State of Alaska. Village Aviation has received approval from the Federal Aviation Administration to conduct the proposed operations, and the carrier has provided fitness information in support of its request. Moreover, the carrier indicates that there is a substantial need for all-cargo air service to transport medical supplies and food to residents of American Samoa affected by Cyclone Heta, and no other U.S. carrier currently operates in this region.¹**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

X Holder's certificate of public convenience and necessity

Action taken by: **Randall D. Bennett, Director**
Office of Aviation Analysis

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption authority was consistent with the

¹ The Department has, however, granted Polynesian Limited, a foreign air carrier, authority to conduct passenger and cargo service between Pago Pago, American Samoa and the Manu'a Islands, American Samoa (see Docket OST-2004-17387).

public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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<http://dms.dot.gov/>*